

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PEDRO RODRIGUEZ,

Plaintiff,

v.

GAVIN NEWSOM, et al.,

Defendants.

No. 1:20-cv-01044-ADA-HBK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(ECF No. 5)

Plaintiff Pedro Rodriguez proceeds *pro se* and *in forma pauperis* on his civil rights action under 42 U.S.C. § 1983. In his Complaint, Plaintiff seeks “prospective injunctive relief” from potential exposure to Covid-19 if transferred to county jail. (ECF No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 23, 2022, the Magistrate Judge issued findings and recommendations recommending the Court dismiss the action under 28 U.S.C. § 1915A, which requires the Court to screen a complaint that seeks relief against a governmental entity prior to directing service, because: (1) Plaintiff lacked standing; (2) Plaintiff improperly sought habeas corpus relief; (3) the Court could not grant compassionate relief based on neither Plaintiff’s age and susceptibility to the Covid-19 virus nor based on Plaintiff’s concerns regarding future conditions of confinement;

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(4) the Complaint failed to state a cognizable constitutional claim; and (5) the deficiencies of the Complaint could not be cured by amendment. (ECF No. 5.)

The findings and recommendations served on Plaintiff contained notice that any objections to the findings and recommendations were due within fourteen (14) days of service. (ECF No. 5 at 1, 7).¹ As of the date of this order, Plaintiff has not filed any objections and the time to do so has expired.


In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

ACCORDINGLY, it is ORDERED:

1. The findings and recommendations issued on August 23, 2022 (ECF No. 5), are ADOPTED in full;
2. The Complaint is dismissed for the reasons set forth herein; and
3. The Clerk of Court shall terminate any pending motions, close this case, and enter judgment against Plaintiff.

IT IS SO ORDERED.

Dated: November 2, 2022


UNITED STATES DISTRICT JUDGE

¹ As recorded in the Docket on September 14, 2022, the findings and recommendations were returned as “undeliverable” because Plaintiff’s address on record was incorrect. After correcting Plaintiff’s address, the Clerk re-served the findings and recommendations to Plaintiff that same day.